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county and may on the request of the town board of any town, board of trustees of any village, or common council or other like authority of any city at any time thereafter set apart such town, village, or city as a separate health district. In any consolidated health district there shall be a board of health which shall consist of the supervisor of each town, the president of the board of trustees of each village, and the mayor of each city included in each district, provided that if the number of members so provided for is an even number, such members shall within 30 days after such district shall have been established by the State commissioner of health choose an additional member of such board of health to be known as the elective member. An elective member shall serve for a term of two years from the 1st day of January preceding his election and until his successor shall have been appointed, provided that if at any time the number of members of the board of health, excluding the elective member, shall by reason of the addition of an additional municipality or municipalities become an odd number, the term of office of the elective member shall thereupon cease.

The board of health of a consolidated health district shall from time to time elect a president from among its members. The health officer of a consolidated health district shall serve as the secretary of the board of health thereof without additional remuneration therefor.

In each such consolidated health district the board of health shall appoint a health officer. Each board of health and each health officer of a consolidated health district shall have all the rights, powers, duties, and obligations conferred and imposed by law upon boards of health and health officers, respectively.

When any consolidated health district is established, as herein provided, the boards of health of the towns, villages, or cities included within such district shall thereupon cease to exist as boards of health, and all their rights, powers, duties, and obligations shall thereupon be transferred to the board of health of such district. When the board of health of any such consolidated health district shall have appointed a health officer therefor the terms of office of the health officers of the towns, villages, or cities included in such district shall cease, and all their rights, powers, duties, and obligations shall thereupon be transferred to and imposed upon the health officer appointed for such consolidated health district.

The board of health of any such consolidated health district shall from time to time audit all accounts and allow or reject all charges, claims, and demands against such health district for the remuneration and expenses of the health officer, registrar, or registrars, and for all other expenses lawfully incurred by said board of health or on its authority. Such board shall annually make an abstract of the names of all persons who have presented to them accounts to be audited, the amounts claimed by each such person, and the amounts finally audited and approved by them, respectively, and shall deliver such abstract to the clerk of the board of supervisors. The board of supervisors shall levy a tax upon the real and personal property within such health district sufficient to provide for the sums audited and approved by the board of health thereof. Such sums when collected and paid to the county treasurer shall be paid by him to the president of such board of health and shall be disbursed by him in accordance with the abstract of claims audited and approved by such board of health, as hereinabove provided.

Public Water Supplies—Protection—Regulations—Inspection. (Ch. 665, Act May 20, 1915.)

SECTION 1. Sections 70, 71, and 73 of chapter 49 of the laws of 1909, entitled "An act in relation to the public health, constituting chapter forty-five of the consolidated laws," as amended by chapter 695 of the laws of 1911, are hereby amended to read as follows:

SEC. 70. *Rules and regulations of department.*—The State department of health may make rules and regulations for the protection from contamination of any or all

public supplies of potable waters and their sources within the State, and the commissioner of water supply, gas, and electricity of the city of New York, and the board of water supply of the city of New York may make such rules and regulations subject to the approval of the State department of health for the protection from contamination of any or all public supplies of potable waters and their sources within the State where the same constitute a part of the source of the public water supply of said city. If any such rule or regulation relates to a temporary source or act of contamination, any person violating such rule or regulation shall be liable to prosecution for misdemeanor for every such violation, and on conviction shall be punished by a fine not exceeding \$200, or imprisonment not exceeding one year, or both. If any such rule or regulation relates to a permanent source or act of contamination, said department may impose penalties for the violation thereof or the noncompliance therewith, not exceeding \$200 for every such violation or noncompliance. Every such rule or regulation shall be published at least once in each week for six consecutive weeks, in at least one newspaper of the county where the waters to which it relates are located. The cost of such publication shall be paid by the corporation or municipality benefited by the protection of the water supply to which the rule or regulation published relates. The affidavit of the printer, publisher, or proprietor of the newspaper in which such rule or regulation is published may be filed with the rule or regulation published, in the county clerk's office of such county, and such affidavit and rule and regulation shall be conclusive evidence of such publication, and of all the facts therein stated in all courts and places.

SEC. 71. *Inspection of water.*—The officer or board having by law the management and control of the potable water supply of any municipality, and in the city of New York, the commissioner of water supply, gas and electricity, and the board of water supply of the city of New York, or the corporation furnishing such supply, may make such inspection of the sources of such water supply as such officer, board or corporation deems advisable and to ascertain whether the rules or regulations of the State department and of the commissioner of water supply, gas and electricity of the city of New York, and of the board of water supply of the city of New York, are complied with, and shall make such regular or special inspections as the State commissioner of health, or the commissioner of the department of water supply, gas and electricity of the city of New York, or the board of water supply of the city of New York, may prescribe. If any such inspection discloses a violation of any such rule or regulation relating to a temporary or permanent source or act of contamination, such officer, board or corporation shall cause a copy of the rule or regulation violated to be served upon the person violating the same, with a notice of such violation. If the person served does not immediately comply with the rule or regulation violated, such officer, board or corporation, except in a case concerning the violation of a rule or regulation relating to a temporary or permanent source or act of contamination affecting the potable water supply of the city of New York, shall notify the State department of the violation, which shall immediately examine into such violation; and if such person is found by the State department to have actually violated such rule or regulation, the commissioner of health shall order the local board of health of such municipality wherein the violation or noncompliance occurs, to convene and enforce obedience to such rule or regulation.

If the local board fails to enforce such order within 10 days after its receipt, the corporation furnishing such water supply or the municipality deriving its water supply from the waters to which such rule or regulation relates, or the State commissioner of health or the local board of health of the municipality wherein the water supply protected by these rule is used, or any person interested in the protection of the purity of the water supply, may maintain an action in a court of record which shall be tried in the county where the cause of action arose against such person, for the recovery of the penalties incurred by such violation, and for an injunction restraining him from

the continued violation of such rule or regulation. If the person served does not comply within five days with the rule or regulation violated, in case such rule or regulation relates to a temporary or permanent source or act of contamination affecting the potable water supply of the city of New York, the commissioner of water supply, gas, and electricity of said city, or the board of water supply of the city of New York, may summarily enforce compliance with such rule or regulation, and may summarily abate or remove the cause of the violation of such rule or regulation or the nuisance so created, and to that end may employ such force as may be necessary and proper: *Provided, however,* That no building or improvements shall be removed, disturbed, or destroyed by the said commissioner of water supply, or the said board of water supply, until he or they shall cause measurements to be made of the buildings and photographs of the exterior views thereof, which measurements and photographs shall be at the disposition thereafter of the owners or their attorneys, and failure to exercise such right of abatement shall not be deemed a waiver thereof. Failure to comply within five days with such rule and regulation shall further entitle the city of New York to maintain an action in any court having jurisdiction thereof for the recovery of the penalties incurred by such violation and for an injunction restraining the person or persons violating such rule or regulation, or creating or continuing such nuisance, from the continued violation of such rule or regulation or continuance of such nuisance, the remedy by abatement being not exclusive.

SEC. 73. *Sewage*.—When the State department of health, or the commissioner of water supply, gas, and electricity of the city of New York, or the board of water supply of the city of New York, shall, for the protection of a water supply from contamination, make orders or regulations the execution of which will require or make necessary the construction and maintenance of any system of sewage, or a change thereof, in or for any village or hamlet, whether incorporated or unincorporated, or the execution of which will require the providing of some public means of removal or purification of sewage, the municipality or corporation owning the waterworks benefited thereby shall, at its own expense, construct and maintain such system of sewage, or change thereof, and provide and maintain such means of removal and purification of sewage and such works or means of sewage disposal as shall be approved by the State department of health, and for that purpose said municipality or corporation may acquire, under the general condemnation law, the necessary real estate or interests therein whether now used for public or private purposes. When the execution of any such regulations of the State department of health, or the commissioner of water supply, gas, and electricity of the city of New York or the board of water supply of the city of New York, will occasion or require the removal of any building or buildings, the municipality or corporation owning the waterworks benefited thereby shall, at its own expense, remove such buildings and pay to the owner thereof all damages occasioned by such removal. When the execution of any such regulation will injuriously affect any property the municipality or corporation owning the waterworks benefited thereby shall make just and adequate compensation for the property so taken or injured and for all injuries caused to the legitimate use or operation of such property. Until such construction or change of such system or systems of sewerage, and the providing of such means of removal or purification of sewage, and until such works or means of sewage disposal and the removal of any building are so made by the municipality or corporation owning the waterworks to be benefited thereby at its own expense, and until, except in the case of a municipality, the corporation owning the waterworks benefited shall make just and adequate payment for all injuries to property and for all injuries caused to the legitimate use or operation of such property, there shall be no action or proceeding taken by any such municipality, officer, board, person, or corporation against any person or corporation for the violation of any regulation of the State department of health under this article, and no person or corporation shall be considered to have violated or refused to obey any such rule or regulation.

The owner of any building the removal of which is occasioned or required, or which has been removed by any rule or regulation of the State department of health, or the commissioner of water supply, gas and electricity of the city of New York, or the board of water supply of the city of New York, made under the provisions of this article, and all persons whose rights of property are injuriously affected by the enforcement of any such rule or regulation, shall have a cause of action against the municipality or corporation owning the waterworks benefited by the enforcement of such rule or regulation, for all damages occasioned or sustained by such removal or enforcement, including all injuries caused to the legitimate use or operation of such property, and an action therefor may be brought against such municipality or corporation in any court of record in the county in which the premises or property affected is situated and shall be tried thereon; or such damage may be determined by a special proceeding in the supreme court or the county court of the county in which the property is situated. Such special proceedings shall be commenced by petition and notice to be served by such owner upon the municipality or corporation in the same manner as for the commencement of condemnation proceeding. Such municipality or corporation may make and serve an answer to such petition as in condemnation proceedings.

The petition and answer shall set forth the claims of the respective parties, and the provisions of the condemnation law shall be applicable to the subsequent proceedings upon the petition and answer, if any. Either party may, before the service of the petition or answer respectively, offer to take or pay a certain sum, and no costs shall be awarded against either party unless the judgment is more unfavorable to him than his offer. *Provided, however,* That in the case of a summary abatement by a municipality as hereinbefore provided, no costs shall be awarded against the owner of the property damaged, and the commissioners of appraisal in their report shall recommend such additional sum as may in their judgment be reasonable as compensation for witnesses and other necessary expenses of claimant. Such municipality shall, within three calendar months after the confirmation of the report of the commissioners of appraisal, pay to the respective owners and bodies politic or corporate, mentioned or referred to in said report, in whose favor any sum or sums of money shall be estimated and reported by said commissioners, the respective sum or sums so estimated and reported in their favor respectively, with lawful interest thereon. And in case of neglect or default in the payment of the same within the time aforesaid, the respective person or persons or bodies politic or corporate in whose favor the same shall be so reported, his, her, or their executors, administrators, or successors, at any time or times, after application first made by him, her, or them to such municipality for payment thereof, may sue for and recover the same, with lawful interest as aforesaid, and the costs of suit in any proper form of action against such municipality in any court having cognizance thereof, and it shall be sufficient to declare generally for so much money due to the plaintiff or plaintiffs therein by virtue of this act, and the report of said commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sum or sums demanded shall be conclusive evidence in such suit or action.

SEC. 2. Article 5 of said chapter is hereby amended by adding thereto a new section, to be known as section 73a, to read as follows:

SEC. 73a. Nothing contained in this chapter shall extend the sanitary control of the board of water supply of the city of New York, beyond the sources of potable water supply, tributary to the Catskill Aqueduct; and the powers granted by this chapter to the board of water supply of the city of New York shall cease at the time of the transference of the jurisdiction over the source of water supply, by the board of water supply to the commissioner of water supply, gas, and electricity of the city of New York; and at no time shall the commissioner of water supply, gas, and electricity of the city of New York and the board of water supply of said city have or exercise concurrent

powers or sanitary control over the sources of potable water supply tributary to the Catskill Aqueduct.

SEC. 3. Nothing contained herein shall repeal or modify any of the provisions of chapter 724 of the laws of 1905, as amended by chapter 314 of the laws of 1906.

PHILIPPINE ISLANDS.

Opium Victims—Appropriation for Transportation, Maintenance, and Treatment. (Act 2488, Feb. 5, 1915.)

SECTION 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the insular treasury not otherwise appropriated, for the payment of the cost of transportation to Manila, treatment in the hospital, subsistence, clothing, bedding, tobacco, mess kits, soap, barber supplies, laundry, shoes, allowance, and transportation to their homes, of prisoners not charges of the insular government, convicted and sentenced to imprisonment and medical treatment in Bilibid Prison, for violation of the laws prohibiting the use of opium.

SEC. 2. This act shall take effect as of January 1, 1915, and the funds hereby appropriated shall be available for reimbursement to the bureau of prisons of the expenses enumerated or described in section 1 hereof, beginning with said date.